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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,086	03/20/2004	Joe Chen	MTKR001	1691
33392 7590 02/20/2007 ELIZABETH CHIEN-HALE 40087 MISSION BLVD. BOX 367 FREMONT, CA 94539			EXAMINER NGUYEN, TANH Q	
			ART UNIT 2182	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
6 MONTHS			02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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10/806,086

03/20/2004

JOE CHEN

MTKR001

EXAMINER

NGUYEN, TANH Q

ART UNIT

PAPER

2182

20070212

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Commissioner for Patents

Attached is a renewal of the suspension for application SN 10/806,086 to await examination of divisional reissue application SN 11/251,013.

Renewal of Suspension

1. All pending claims were allowable. Since applicant filed a divisional reissue application on October 13, 2005 (SN 11/251,013) containing the non-elected claims (added claims 19-40), further action on the application is **SUSPENDED FOR AN ADDITIONAL PERIOD OF 6 MONTHS** from the mailing date of this response - to await examination of the divisional reissue application. Before the expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Once the divisional reissue application containing the added claims is examined and becomes allowable, the examiner will issue a requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other. The Office action making this requirement will set a two-month period for compliance with the requirement. If applicant fails to timely respond to the Office action, or otherwise refuses to comply with the requirement made, then the divisional reissue application (claiming the invention which was non-elected in the now-suspended first reissue application) will be passed to issue alone, since the claims of the divisional reissue application, by themselves, do correct an error in the original patent. Prosecution will be reopened in the suspended first reissue application, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made. This rejection may be made final, since applicant is on notice of the consequences of not complying with the merger requirement.

Art Unit: 2182

If the divisional reissue application becomes abandoned, prosecution will be reopened in the suspended first reissue application, and a rejection based on a lack of error under 35 U.S.C. 251 will then be made in the first reissue application. Since no error in the original patent is being corrected in the first reissue application, no reissue patent will issue. see MPEP 1450 [R-2].

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TQN
February 12, 2007

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100


February 12, 2007